

## **REMARKS**

### **A. Status of the claims:**

Claims 1-19 and 24-27 were previously canceled in the case, claims 20 and 23 are amended herein, and claims 24-26 have been added. Support for the amendment of claims 20 and 26 can be found, *e.g.*, in examples 16-18. Claim 23 has been amended to make minor typographical corrections and to rewrite part of the claim into dependent claims 24-25. Support for new claims 24-25 can be found, *e.g.*, in the specification which corresponds with paragraph [0100] of the application publication. Claims 20-23 and 24-26 are currently pending.

### **B. Rejection of Claims 20-23 as Anticipated by Villalona-Calero *et al.***

The Action rejects claims 20-23 as anticipated by Villalona-Calero. In response, Applicants generally traverse; however, in interest of compact prosecution, the claims have been amended to require the step of determining whether angiogenesis has been inhibited when the disease is cancer. In light of the instant amendments, Applicants submit that the rejection is moot.

Regarding the cited phrase on p. 29 of Villalona-Calero (*i.e.*, “hCRF reduces water content in... brain tumor models... This effect appears [to be] a direct effect action the tumor microvasculature.”), Applicants note that this phrase merely indicates that *some* action on the microvasculature may be affecting *water content*; however, this phrase does not give any indication as to *what* action hCRF may have on the microvasculature. For example, based on this statement, any variety of possible actions on the microvasculature could possibly be affecting the water content of a tissue without affecting vasculature growth or angiogenesis (*e.g.*, changes in ion pumping, membrane function or permeability, homeostasis, hydrostatic pressure, oncotic pressure, sodium retention, *etc.*). Applicants note that this statement does not provide any indication that hCRF might affect vasculature growth.

Applicants note that Villalona-Calero does not provide any indication to determine whether or not angiogenesis has been affected by the administration of hCRF. As the instant claims require the determination of whether angiogenesis has been inhibited, Applicants submit that Villalona-Calero does not teach all of the instant claim limitations and thus does not anticipate the instant claims under §102. "A claim is anticipated only if each and every element

as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (emphasis added) *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP §2131.

In light of the instant amendments, Applicants submit that the rejection is moot. Withdrawal of the rejection is respectfully requested.

**C. Conclusion:**

In view of the foregoing, Applicants submit that the present claims are in condition for allowance, and an indication to that effect is earnestly solicited. The Examiner is invited to contact the undersigned agent at (512) 536-5674 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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